

Is Your Real Estate Advertising Legal?

DOES IT CONFORM TO THE COMMISSIONER'S RULES?

Rule R4-28-502 states:

- A. A salesperson or broker acting as an agent shall not advertise property in a manner which implies that no salesperson or broker is taking part in the offer for sale, lease, or exchange.
- B. Any salesperson or broker advertising the salesperson's or broker's own property for sale, lease or exchange shall disclose the salesperson's or broker's status as a salesperson or broker, and as the property owner in the advertisement.
- C. A salesperson or broker shall ensure that all advertising contains accurate claims and representations, and fully states factual material. A salesperson or broker shall not misrepresent the facts or create misleading impressions.
- D. Any advertising of Department approved courses shall include the school name, address and telephone number.
- E. All advertising shall include either the name in which the employing broker's license is held or the fictitious name contained on the license certificate. The lettering used for the name of the employing broker shall appear in a clear and conspicuous manner.
- F. The designated broker or the school owner shall supervise all advertising, as applicable.
- G. A licensee shall not use the term "acre," either alone or modified, unless referring to an area of land representing 43,560 square feet.
- H. Before placing or erecting a sign giving notice that specific property is being offered for sale, lease, rent or exchange, a salesperson or broker shall secure the written consent of the property owner, and the sign shall be promptly removed upon request of the property owner.
- I. The provisions of subsections (E) and (F) shall not apply to advertising done by any franchisor or franchisee if the advertising does not refer to specific real estate.
- J. Trade Names
 - 1. Any broker using a trade name owned by another person on signs displayed at the place of business shall place the broker's name, as licensed by the Department on the signs.

2. The following legend, "Each (TRADE NAME or FRANCHISE) office is independently owned and operated," or a similar legend approved by the Commissioner, shall be used to attract the attention of the public.

K. The use of electronic media, such as the Internet or web site technology, which targets Arizona residents with the offering of property interest constitutes the dissemination of advertising as defined in A.R.S. § 32-2101(2).

WOULD YOU LIKE US TO CHECK YOUR WEB PAGES?

If you have any questions about the legality of your advertising on the World Wide Web, we'll be glad to take a look at it. Just email Tom Adams at tadams@azre.gov. Be sure to include your link, ad copy or URL.

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